



US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 2007-01882-GB

Date: November 28, 2007

Comments Due: December 28, 2007

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to rectify inadequate spillway capacity (as identified by the Colorado State Engineers Office) of one existing reservoir and to expand spillway and water holding capacity on a second existing reservoir. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States and Section 401 for water quality certification.

APPLICANT: Ute Water Conservancy District
POC: Mr. Jeremy Lyons
PO Box 460
Grand Junction, CO 81502

LOCATION: The project site is located at the existing Jerry Creek reservoirs (numbers 1 and 2), 5052 State Highway 330, Sections 9,10,15 & 16 Township 10 South, Range 96 West, at UTM 12 750241E 4342902N (NAD83/WGS84), Mesa County, Colorado, and can be seen on the Molina USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The primary purpose of the project is to modify the existing spillway systems of two existing reservoirs in order to safely pass the inflow design flood (IDF) with a minimum of one foot of residual freeboard pursuant to Rule 5.9.1.8 of the Colorado State Engineers Office rules and regulations. The secondary purpose is to provide for a 1,300 acre-foot enlargement of Jerry Creek Reservoir #2. The project consists of the following components and impacts:

- 1) Jerry Creek Reservoir #1 will have approximately .48 acres of wetlands filled as a direct result of the safety modifications to the dam spillway. The overall water retention capacity of Jerry Creek Reservoir #2 will not change.
- 2) Jerry Creek Reservoir #2 will have approximately 2.48 acres of wetlands inundated as a result of the proposed 1,300 acre-foot expansion (from existing 6,320 acre-feet to 7,636 acre-feet).
- 3) Various reservoir improvements, such as sedimentation basins, interdiction ditches, bank grading / armoring, etc.

The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The Jerry Creek reservoirs are located below an eleven square mile drainage basin which only flows in response to local runoff events. The primary source of water stored within the reservoirs is diversion from the tailrace of the Lower Molina Power Plant, located approximately 3 miles east of the Jerry Creek Reservoirs.

Jerry Creek reservoir #1 was constructed in 1965, and Jerry Creek #2 reservoir was constructed in 1977 to the immediate northeast of Jerry Creek reservoir #1. Jerry Creek reservoir 2 has spillways which flow into both Jerry Gulch and into Jerry Creek Reservoir #1.

Both reservoirs are maintained at near capacity and provide a relatively stable shoreline. Wetlands have developed in some areas of the reservoir. These jurisdictional wetlands are depicted in the attachments and have been verified by the Corps of Engineers. No fens are located within the project area or the immediate vicinity. Jerry Creek reservoir #1 contains 1.505 acres of jurisdictional wetlands. Jerry Creek reservoir #2 contains 2.48 acres of jurisdictional wetlands.

Alternatives. The applicant has provided alternatives to the proposed project, which are listed below. Alternatives to the applicants proposed project will be evaluated as the Corps is required to evaluate both onsite and offsite alternatives.

- 1) No Action Alternative: The no action alternative would prevent the applicant from constructing the dam safety modifications to the reservoir spillways. The no action alternative for the expansion of Jerry Creek reservoir #2 would prevent the applicant from utilizing a decreed water right at this location.
- 2) Offsite Alternative: All offsite alternatives for utilizing the decreed water right involve the construction of new reservoirs. The applicant has identified an ephemeral drainage (Atwell Gulch), located on Bureau of Land Management property to the northwest of Jerry Creek reservoir #2. A dam at this location would be prohibitively expensive and require additional pipelines, roads and supporting infrastructure.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has submitted conceptual mitigation to restore/create wetlands on a nearby off-site location adjacent to Plateau Creek.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Colorado Department of Public Health and Environment, Water Quality Control Division, is required for this project. Application status is unknown.

HISTORIC PROPERTIES: Preliminary review indicates that no historic properties will be effected by the proposed project. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed project provides flow to designated critical habitat of two Federally-listed endangered species, the Colorado Pikeminnow (*Ptychocheilus lucius*) and razorback sucker (*Xyrauchen texanus*) on the Colorado River via Plateau Creek. Due to the proposed increase in water holding capacity and surface area of Jerry Creek Reservoir #2 and the loss of a portion of that water through evaporation, the Corps has determined the proposed project *may effect* the above listed species

and/or their critical habitat and will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230), or of their criteria.

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 2007-01882-GB, must be submitted to the office listed below on or before December 28, 2007.

Mr. Steve Moore, Project Manager
US Army Corps of Engineers, Sacramento District
Colorado/Gunnison Basin Regulatory Office
400 Rood Avenue, Room 142
Grand Junction, Colorado 81501-2563
stephen.a.moore@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager, Steve Moore at 970-243-1199 extension 13, email stephen.a.moore@usace.army.mil.

Attachments: 13 drawings